

Remarks/Arguments

This paper is submitted responsive to the Office Action mailed September 8, 2008 and the notice of non-fully responsive amendment mailed on June 11, 2009. Reconsideration of the application in light of the accompanying remarks and amendments is respectfully requested.

Turning to the action, the Examiner objected to the drawings as failing to show details of the strain gage, chip and electronic circuit and how they interact to perform the owner recognition function described in the specification. Responsive to this objection, replacement sheets 2-10 are submitted, and each includes schematic connection between the components recited.

The actual operation of specific electronic components such as those used in the invention would be known to a person of skill in the art, and thus this aspect of the invention is sufficiently disclosed and shown in the drawings at a schematic and functional level. The specific features of the strain gauges and other components of the invention are not themselves part of the invention. Thus, these specific features are not considered a part of the present application. Thus, it is submitted that the drawings as corrected herein are sufficient under 37 CFR 1.83.

The claims have been amended to address the issue with the term “microchip” and to address the other issues raised under 35 USC 112. “Microchip” has been changed to “chip” which is a term used in the specification. The claims as amended are believed to meet all requirements under 35 USC 112. As to determining a plurality of levels of owner recognition, this claim language has been amended to remove the term. As to “electronically connected”, the specification describes electronic circuits with chips that are activated by the source energy and evaluate the applied gripping force and send unblocking orders if the force is larger than threshold, within the narrow band or small operational range, or if the six grip forces fit into the six small operational ranges for each of the six strain gages. Based upon the aforesaid specification language, clearly it is taught that the components are electrically connected. The specification is therefore submitted to be proper and withdrawal of the objection is respectfully requested.

The Examiner next rejected claims 20-43 under 35 USC 112, first paragraph, as failing the written description requirement. The Examiner first mentions the energy source, chip and

electronic circuit and claims that there are many types of chips and electronic circuits, none of which has been described by the applicant. It is submitted that in this instance, no such description is needed. It is agreed that there are many types of these various components. It is also submitted, however, that given the teaching of the present specification which is completely clear as to the function of the component, it would be well within the skill of a person skilled in the art to assemble the correct components following the teaching of the specification. Thus, these claims are believed proper under #% USC 112, first paragraph.

As to claim 26, the term “microchip” has been amended to read “cjjip” and this claim is believed proper.

The Examiner rejected claims 20-43 under 35 USC 112, second paragraph, but did not explain the rejection. The claims have been amended to improve the claim language where possible, and these claims are believed to be in good form under 35 USC 112, second paragraph.

Next, the Examiner rejected claims 20-25 as anticipated by Mayhak. Reconsideration of the rejection in light of the claims as amended is respectfully requested.

The Examiner relied upon the statements made in the prior office action mailed August 16, 2007.

Applicants contend Mayhak does not teach, explicitly or inherently, each and every element recited in Applicants’ amended claims 20, 22 and 24 or in new claims 26-42 and 44.

Applicants’ amended claims recite in part the following: “a handle having a pressure activated energy source”. Applicants contend Mayhak does not teach the use of a pressure activated energy source installed within the handle of the firearm taught therein. Mayhak does teach a grip pattern recognition means comprising a group of components including a source of power, such as a battery 27 (See col. 2, l. 65 - col. 3, l. 7).

However, Mayhak does not teach the source of power is actuated by the pressure exerted by the shooter gripping the gun, i.e., any shooter with any gripping force. This activate source of power then powers the electronic circuit to do the further analysis to determine whether the shooter is the owner, and therefore to determine whether to release the “trigger safety pin” as recited in the pending claims. The pressure exerted by the gun’s owner refers to the “means for determining the various levels of owner recognition”, that is, the “means for determining a first level of owner recognition”, “means for determining a second level of owner recognition” and

“means for determining a third level of owner recognition”, as recited in Applicants’ amended claims 20, 22, 24 and new claims 26-42, 44.

For at least these reasons, Applicants contend amended claims 20, 22 and 24, including dependent claims 21, 23 and 25, and new claims 26-42, 44 are patentable and not anticipated by the teachings of Mayhak.

In light of the foregoing, Applicants respectfully request the examiner withdraw the rejection under 35 U.S.C. §102(b) and find claims 20-42, 44 are allowable.

The examiner also rejected the claims under 35 U.S.C. §102(e) as being anticipated by paragraphs [0022-0026] of U.S.P.N. 7,168,198 to Newkirk (“Newkirk”). Applicants traverse the rejection.

The Examiner relies upon the statements made in the prior Office action mailed August 16, 2007.

Applicants contend Newkirk does not teach, explicitly or inherently, each and every element recited in Applicants’ amended claims 20 and 22 or in new claims 26-42, 44.

Applicants’ claims recite in part the following: “a handle having a pressure activated energy source”. Applicants contend Newkirk does not teach the use of a pressure activated energy source installed within the handle of the firearm taught therein. In particular, Newkirk does not teach the source of power is actuated by the pressure exerted by the shooter gripping the gun, and that the energy from the energy source operates the circuit to determine whether the gun owner’s grip sufficiently matches the owner, and therefore to release the “trigger safety pin” as recited in Applicants’ claims. The pressure exerted by the gun’s owner refers to the “means for determining a levels of owner recognition”, that is, the “means for determining a first level of owner recognition”, “means for determining a second level of owner recognition” and “means for determining a third level of owner recognition”, as recited in Applicants’ amended claims 20 and 22 and new claims 26-43.

For at least these reasons, Applicants contend amended claims 20 and 22, including dependent claims 21 and 23, and new claims 26-42, 44 are patentable and not anticipated by the teachings of Newkirk.

In light of the foregoing, Applicants respectfully request the examiner withdraw the rejection under 35 U.S.C. §102(e) and find claims 20-23 and 26-43 are allowable.

Claim 43 was incomplete and has been cancelled without prejudice. Further, new claim 44 has been added and specifies that the electronic circuit is energized by energy from the energy source as thoroughly discussed in the specification.

The examiner rejected the claims under 35 U.S.C. §103(a) as being unpatentable over U.S.P.N. 7,168,198 to Newkirk. Applicants traverse the rejection.

Applicants reiterate their remarks with respect to the teachings of Newkirk with respect to Applicants' claims 20-23 in the rejection under 35 U.S.C. §102(e).

The examiner asserts one of ordinary skill in the art would find it obvious to provide as many gauges as necessary to obtain more readings. Applicants' amend and new claims recite in part the following: "a handle having a pressure activated energy source". Applicants contend Newkirk does not teach, suggest or provide the requisite motivation to one of ordinary skill in the art to alter its teachings and teach the use of a pressure activated energy source installed within the handle of the firearm taught therein. In particular, Newkirk does not teach or suggest the source of power is actuated by the pressure exerted by the gun owner's grip to release a "trigger safety pin" as recited in Applicants' claims. The pressure exerted by the gun's owner refers to the "means for determining a plurality of levels of owner recognition", that is, the "means for determining a first level of owner recognition", "means for determining a second level of owner recognition" and "means for determining a third level of owner recognition", as recited in Applicants' amended claims 20 and 22 and new claims 26-42, 44. Furthermore, Applicants contend Newkirk does not provide the requisite motivation to one of ordinary skill in the art to alter its teachings in order to somehow incorporate a pressure activated power source actuated by the grip applied by the gun's owner that in turn releases a trigger safety pin.

For at least these reasons, Applicants contend amended claim 24, including dependent claim 25, and new claims 26-42, 44 are patentable and not obvious over the teachings of Newkirk.

In light of the foregoing, Applicants respectfully request the examiner withdraw the rejection under 35 U.S.C. §103(a) and find claims 24-42, 44 are allowable.

CONCLUSION

In light of the foregoing, it is submitted that all of the claims as pending patentably define over the art of record and an early indication of same is respectfully requested.

An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

It is submitted that the claims as amended herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

If any fees are required in connection with this case, it is respectfully requested that they be charged to Deposit Account No. 02-0184.

Respectfully submitted,

JOSE CARLOS ALBANO DE AMARANTE ET AL.

By /george a. coury/
George A. Coury
Attorney for Applicants
Reg. No.: 34,309

Telephone: 203-777-6628 x116
Telefax: 203-865-0297

Date: July 13, 2009